

## Landscape Referral Response

<b>Application Number:</b>	Mod2021/0086
<b>Date:</b>	19/03/2021
<b>Responsible Officer:</b>	Clare Costanzo
<b>Land to be developed (Address):</b>	Lot 44 DP 11214 , 95 Gurney Crescent SEAFORTH NSW 2092

### Reasons for referral

This application seeks consent for the following:

- Construction / development works within 5 metres of a tree or
- New residential works with three or more dwellings. (RFB's, townhouses, seniors living, guesthouses, etc). or
- Mixed use developments containing three or more residential dwellings.
- New Dwellings or

### Officer comments

The application for modification to development consent DA2019/1463 includes the following landscape matters:

- deletion of Landscape Plan and replacement with updated Landscape Plan in Condition 1 Approved Plans and Supporting Documentation
- deletion of Condition 35 and Condition 38 regarding the remaining landscape works

Condition 16 of development consent DA2019/1463 is imposed by and thus shall be considered by Council's Natural Environmental Referral Response - Biodiversity.

The modification application requests that conditions for landscape works to be completed prior to Occupation Certificate be removed.

Advice is provided that under Part 6 of the EPA Act, staged occupation of a building is still permitted. The term 'interim' and 'final' occupation certificates no longer exist. Part 6 of the EP&A Act commenced on 1 December 2019. Certification can only be 'final' with respect to completed works. Under Part 6 staged occupation is still permitted. As a new development is constructed, parts may be completed and become suitable for occupancy before the overall development is finished. To accommodate this, the EP&A Act allows for an Occupation Certificate to be issued for part of a partially completed works.

This is a matter for the Certifying Authority to provide Occupation Certificates under the direction of Part 6 of the EPA Act.

Once the development and all associated works are complete, an Occupation Certificate for the remaining parts of the works must be obtained. This Occupation Certificate is required to demonstrate that the works and/or change of use complies with the associated development consent, and the remaining conditions of that consent have been met.

Landscape Referral raise no objections to the modification application, and require Occupation Certificate for the landscape works.

DA2019/1463 Condition 35 and Condition 38 are to be removed and replaced in the modification approval with the condition under Landscape Completion.

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

**Recommended Landscape Conditions:**

**CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE  
OCCUPATION CERTIFICATE**

**Landscape Completion**

The remaining part of landscape works under DA2019/1463 and the subject of this Modification application shall be completed in accordance with Landscape Plan A106 issue E.

Prior to the issue of an Occupation Certificate, details shall be submitted to the Certifying Authority, certifying that the landscape works have been completed in accordance with any conditions of consent.

Reason: Environmental amenity.